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DECISION



PLM-1

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-193807

10,242

DATE: May 21, 1979

MATTER OF: Arthur S. Spencer - Mileage

DIGEST: Employee, whose permanent duty location was the Washington Navy Yard, was assigned to Anacostia Annex to attend Defense Intelligence School. Defense Intelligence Agency's regulation allowing mileage states that ^{above} ~~two~~ ^{two} locations are considered a single location. While he was in school, orders were issued to the employee transferring him to Arlington. Employee may not be paid mileage for travel from home to Anacostia Annex and return. Employee's duty station is one of fact, not designation, and employee performed preponderance of duties at Anacostia Annex, thus continuing Washington Navy Yard/Anacostia Annex as his duty station until his attendance at school ceased.

Mr. Thomas C. Roberts, Chief, Financial Policy and Accounting Division, Office of the Comptroller, Defense Intelligence Agency (DIA), has requested our decision on the claim for mileage of Mr. Arthur S. Spencer, a DIA employee.

Mr. Spencer, whose permanent duty location was the Washington Navy Yard, was assigned to attend the Defense Intelligence School at the Anacostia Annex from February 21 through May 26, 1978. While attending the course of instruction, Mr. Spencer was selected to fill the position of Intelligence Research Specialist. On March 8, 1978, Standard Form (SF) 50, "Notification of Personnel Action," was issued reassigning Mr. Spencer to his new position within DIA effective March 12, 1978, with a new duty location of Arlington, Virginia. The SF 50 made no reference to a reporting date or to the fact that Mr. Spencer was attending the Defense Intelligence School.

Mr. Spencer has claimed mileage for travel from his home, which was at first in Woodbridge, Virginia, and which was subsequently changed on May 1, 1978, to Alexandria, Virginia, to the Defense Intelligence School, and return, from March 13 to May 26, 1978.

[Claim
REQUEST for Mileage]

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B-193807

The pertinent regulation concerning the payment of mileage is paragraph C4459 of Volume 2, Joint Travel Regulations, March 1, 1978, which reads as follows:

"Temporary duty travel by privately owned conveyance may be authorized or approved from home or domicile to a place of temporary assignment and return without requiring the employee to report first to his headquarters or regular place of duty. In authorizing such travel, the travel-directing official will consider the interests of the Government with regard to mission requirements, relative expense, and practicability."

This has been further explained by paragraph 7 of DIA Regulation 46-18, "Rembursement for Local Travel" as follows:

"d. Travel Between Place of Abode and Temporary Duty Station. Reimbursement for travel by privately-owned vehicle or commercial bus is authorized when the employee is authorized to travel from his place of abode direct to a temporary duty station, instead of reporting to his permanent duty station and then proceeding to the temporary duty station.

"(3) For purposes of determining entitlement under the provisions of this paragraph, the Washington Navy Yard and the Anacostia Annex are considered to be a single duty location."

As long as Mr. Spencer's permanent duty location was the Washington Navy Yard while he was attending school at the Anacostia Annex, he was not entitled to mileage reimbursement for home to duty travel under the above-cited DIA regulation as his travel to the school was not considered to be travel to a temporary duty station. Mr. Spencer states, however, that pursuant to the provisions of the SF 50 which effected his reassignment, his permanent duty location and the Defense Intelligence School became different locations. He states:

B-193807

"* * * I was transferred * * * on 12 March 78. I formally established my new position on 17 March 78 when I was briefed by the section chief on the nature and functions of the job and given a desk. Additionally I reported to my new job, as the school schedule permitted, on the following dates in order to keep current: 31 March, 14 and 21 April, and 5 and 26 May 78. During my stay at the school my timecard was kept by [his new installation in Arlington] * * *."

Accordingly, Mr. Spencer claims that his travel to the Defense Intelligence School after March 12, 1979, was travel to a temporary duty station and is thus compensable.

We have held that the official station of an employee is a matter of fact and not merely one of administrative designation. An employee's official or permanent duty station is the place to which he actually is stationed, that is, the place where the employee expects, and is expected, to spend the greater part of his time. 32 Comp. Gen. 87 (1952); B-175853, August 21, 1972. In this case, although an SF 50 dated March 12, 1978, was issued directing Mr. Spencer's transfer to Arlington, he continued to spend the great preponderance of his time at the Anacostia Annex, a part of his "old" duty station, from March 12 up until May 26, 1978. Only occasionally did he travel to and perform official business at his "new" official duty station during this time.

The paper reassignment or transfer of an employee to a new duty station is not in itself sufficient to grant that employee travel expenses where the facts show that the employee's actual duty station is really another place at which he would not be entitled to the claimed travel expenses. Mr. Spencer's commute to work on most days was the same both before and after the notification of his transfer was issued. Therefore, we consider that for the purposes of his mileage claim Mr. Spencer's official duty station did not change from the Washington Navy Yard/Anacostia Annex to Arlington, until his attendance at the Defense Intelligence School ceased whereupon his duties took him to Arlington.

B-193807

Accordingly, Mr. Spencer's claim may not be certified for payment.


Deputy Comptroller General
of the United States